

ORIGINAL

Decision No. 7569

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application )  
of the Motor Transport Company for )  
a re-hearing in petition for cer- )  
tificate of public convenience and )  
necessity to operate an automobile )  
freight service between Los Angeles )  
and Fresno, via Bakersfield. )

APPLICATION NO. 5169.  
On Re-hearing.

BY THE COMMISSION:

- Houghton & Robertson, by Howard Robertson,  
for Applicant.
- L. L. Cory, for Southern Pacific Company,  
Protestant.
- J. R. Allen, for American Railway Express Co.,  
Protestant.

OPINION ON PETITION for RE-HEARING

Curtis B. Locklin, desiring to operate automobile freight service under the fictitious name of the Motor Transport Company filed his petition for re-hearing on Decision No. 5150, Application No. 5169, made and filed February 20, 1920, wherein a certificate was denied for a freight automobile service between Los Angeles and Fresno. The certificate was refused upon the grounds that a sufficient showing had not been made. Applicant submitted the case on testimony given only by himself and a few large shippers located at Los Angeles, there being no appearances on behalf of Fresno or for the shippers at intermediate points.

A public hearing was held before Examiner Geary at Fresno on April 29, 1920, at which time and place further evidence

was introduced, the matter was duly submitted and it is now ready for a decision.

The Southern Pacific Company, American Railway Express Company and Morgan's Auto Express & Freight Line protested the granting of the application.

Applicant, appearing on his own behalf, renewed the contention made at the original hearing that there is a public necessity and convenience for the service as proposed. New testimony was presented with reference to the tonnage offering, the arrangements made for the purchase of twelve trucks, to be secured as the business develops, and also that the line would be bonded, insuring shippers against loss and damage to the commodities handled. Applicant intends, in addition to handling ordinary freight, to transport milk in tank cars with equipment to be specially built for the purpose. Practically all of the traffic will have store-door delivery and pickup in the terminal cities of Los Angeles and Fresno. It is estimated that fifty tons per day of diversified merchandise can be secured at Los Angeles northbound and from forty-five to fifty tons per day of merchandise, farm and dairy products for traffic moving southbound. Deliveries between terminals would be effected within twenty-four hours after receipt, a material reduction over the time now required when shipments move via either rail or express.

Testimony of other witnesses on behalf of the applicant was to the effect that the service is a necessity and would be a great benefit to the shippers of both Los Angeles and Fresno. The Fresno County Chamber of Commerce, located at Fresno, indorsed by letter the application of Mr. Locklin, which written indorsement was amplified by the testimony of the president of the organization. The application was also urged by resolution of the Tulare Board of

Trade, communications were received from the Danish Creamery Association of Fresno, the Associated Jobbers of Los Angeles and, in addition, the witnesses who appeared at the first hearing in Los Angeles, forwarded communications, again urging the establishment of the service. All of these parties promised substantial tonnage.

The Southern Pacific Company and the American Railway Express furnished no new testimony, but introduced as exhibits the time schedules and, by their witnesses, explained the service now being given and the efforts made to meet the needs of the shipping public. It is apparent, however, that the time consumed for movement by either freight or express between Los Angeles and Fresno is not as expeditious nor as satisfactory as the service when performed by a through automobile truck. The Morgan Auto Express & Freight Line, by its written protest, referred to the service it is rendering between Fresno and Kingsburg, but introduced no testimony.

As set forth in the original order in this proceeding, the Commission, under date December 27, 1919, Decision No. 7063, Applications Nos. 4852 and 4928, authorized two truck lines to operate as common carriers of freight and express between Los Angeles and Bakersfield.

The applicant herein, at the hearing held April 29, 1920, while not entirely agreeable to amending the application, eliminating the territory between Los Angeles and Bakersfield, stated that the service would be established even if the Commission decided to authorize the certificate excluding this territory. At the present time there is no truck company operating regularly between Los Angeles and Fresno.

After careful consideration of all of the evidence

introduced at the original hearings held in Los Angeles on December 22, 1919, and in Fresno, on re-hearing, April 29, 1920, we are of the opinion that a sufficient showing has now been made of a public convenience and necessity and that the application should be granted, with the proviso that no traffic be handled locally at points between Los Angeles and Bakersfield.

ORDER ON PETITION FOR RE-HEARING.

The Railroad Commission hereby declares that public convenience and necessity require the operation by Curtis B. Locklin, under the fictitious name of Motor Transport Company, of an automobile truck line as a common carrier of freight and express between Los Angeles and Fresno, and that the same should be granted and it is hereby granted, subject to the following conditions:

1- That no freight be handled in the territory between Los Angeles and Bakersfield.

2- That the applicant, Curtis B. Locklin, operating under the fictitious name of Motor Transport Company, will file with the Railroad Commission a written acceptance of this certificate within twenty (20) days from the date of service of this order and that operation of such service will commence within ninety (90) days from the date of service hereof.

3- That the applicant, Curtis B. Locklin, operating under the fictitious name of Motor Transport Company, will be required to immediately file a tariff of rates, rules and regulations and a time schedule covering the service, in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission.

4- That the rights and privileges hereby authorized may not be discontinued, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, lease, transfer or assignment has first been secured.

5- That no vehicle may be operated by applicant, Curtis B. Locklin, operating under the fictitious name of Motor Transport Company, unless such vehicle is owned by him or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 13<sup>th</sup> day of May, 1920.

Edwin C. Edgerton  
H. D. Leland

H. T. Bondies

Commissioners.